

1  **EXHIBIT C**
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4 **UNITED STATES DISTRICT COURT**
5 **DISTRICT OF NEVADA**
6

7 **DREW J. RIBAR,**
8 Plaintiff,
9

10 **STATE OF NEVADA ex rel. NEVADA DEPARTMENT OF CORRECTIONS; CARSON**
11 **CITY; DEPUTY JASON BUENO**, in his individual and official capacity; **WARDEN**
12 **FERNANDEIS FRAZIER; SGT. ROBERT SMITH; et al.,**
13 Defendants.

14
15 **Case No.: 3:24-cv-00103-ART-CLB**
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19 **Plaintiff:** Drew J. Ribar, *pro se*
20

21 **Address:** 3480 Pershing Ln., Washoe Valley, NV 89704

22 **Phone:** (775) 223-7899

23 **Email:** Const2Audit@gmail.com

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27  **EXHIBIT C**
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PLEADING TITLE - 1

1 **Video Footage – Deputy Jason Bueno Body-Worn Camera**

2 **Filed in Support of Plaintiff's Amended Complaint and Motion for Summary Judgment**

3 **Under Fed. R. Civ. P. 56**

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7 **SUMMARY JUDGMENT RELEVANCE**

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9 Pursuant to **Fed. R. Civ. P. 56(a)**, this exhibit provides **undisputed material evidence** of
10 Defendants' violations of Plaintiff's rights under:

- 11
- 12 • **U.S. Constitution:** Amendments I, IV, VIII, XIV
 - 13 • **Nevada Constitution:** Article 1, §§ 1, 6, 8, 9, 18
 - 14 • **Federal Law:** 42 U.S.C. § 1983; 18 U.S.C. §§ 241–242
 - 15 • **Nevada Statutes:** NRS 171.1233, 197.200, 199.310, 200.460, 200.310, 200.481,
16 200.471, 207.190, 205.2715, 205.220

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18 This exhibit complements Exhibits A and B, proving:

- 19
- 20 1. **Retaliation** for recording in public (*Fordyce v. Seattle*, 55 F.3d 436 (9th Cir. 1995);
21 *Turner v. Driver*, 848 F.3d 678 (5th Cir. 2017))
 - 22 2. **Unlawful arrest** without probable cause (*Manuel v. City of Joliet*, 137 S. Ct. 911 (2017);
23 *Thompson v. Clark*, 596 U.S. 36 (2022))
 - 24 3. **Cruel conditions** via heat exposure (*Hope v. Pelzer*, 536 U.S. 730 (2002); *Farmer v.*
25 *Brennan*, 511 U.S. 825 (1994))
 - 26 4. **Due process violations** via property seizure (*Mathews v. Eldridge*, 424 U.S. 319 (1976))

- 1 5. **Municipal liability** for policy/custom (*Monell v. Dep't of Soc. Servs.*, 436 U.S. 658
 2 (1978))
- 3
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6 **DESCRIPTION**

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- 8 • **Video Recording:** 37 minutes, 1 second of body-worn camera footage from Deputy
 9 Jason Bueno, recorded **August 30, 2022**, at **Northern Nevada Correctional Center**
 10 (NNCC), obtained via discovery in **criminal case No. 22 CR 01231 1C** (*dismissed by*
 11 *order dated [insert date if known]*)
- 12 • **Format:** Submitted on USB per **Local Rule IC 2-2**, with **Notice of Manual Filing**
- 13
- 14

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16 **KEY LEGAL VIOLATIONS AND SUPPORTING EVIDENCE**

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18 Timestamp	19 Incident Summary	20 Legal Relevance
21 0:01:10	22 Sgt. Smith: "Notified deputies" First Amendment retaliation (<i>Glik v. Cunniffe</i> , 23 for "exercising his First 24 Amendment rights."	25 655 F.3d 78 (1st Cir. 2011); <i>Fields v. City of 26 Philadelphia</i> , 862 F.3d 353 (3d Cir. 2017))
27 0:01:29	28 Sgt. Smith: "No 'no 29 trespassing' signs up."	30 No probable cause (<i>Hiibel v. Sixth Judicial Dist.</i> 31 <i>Ct.</i> , 542 U.S. 177 (2004); NRS 207.200)
32 0:01:37	33 Sgt. Smith: "This is a public 34 roadway, which it is."	35 Public forum; arrest invalid (<i>Reed v. Town of 36 Gilbert</i> , 576 U.S. 155 (2015))

1	Timestamp	Incident Summary	Legal Relevance
2			Pretextual intent; Monell custom (<i>Whren v.</i>
3	0:02:03	Sgt. Smith: "We want it gone."	<i>United States</i> , 517 U.S. 806 (1996))
4			
5	0:03:34–	Bueno arrives; Frazier:	No warning; Fourth Amendment (<i>Terry v. Ohio</i> ,
6	0:03:49	"Trespassing... remove him."	392 U.S. 1 (1968))
7			
8	0:04:13	Bueno: "Put your hands behind your back."	Unlawful seizure (<i>Manuel v. City of Joliet</i> , <i>supra</i> ; NRS 200.460)
9			
10		Bueno: "You're being arrested	
11	0:05:11	for trespassing."	False arrest (<i>Thompson v. Clark</i> , <i>supra</i>)
12			
13	0:05:19–	AC hose redirects air; Plaintiff	Eighth Amendment (<i>Hope v. Pelzer</i> , <i>supra</i> ;
14	0:05:37	in back, no seatbelt, dry shirt.	<i>Youngberg v. Romeo</i> , 457 U.S. 307 (1982))
15			
16	0:06:30	"Tow his truck."	Due process violation (<i>Mathews v. Eldridge</i> , supra; NRS 205.2715)
17			
18	0:07:14	"Definitely not take photos or whatever."	Retaliation (<i>Turner v. Driver</i> , <i>supra</i> ; NRS 171.1233)
19			
20			
21	0:07:56	AC hose to driver's seat.	Deliberate indifference (<i>Estelle v. Gamble</i> , 429 U.S. 97 (1976))
22			
23			
24	0:08:13	Frazier: "Advocacy groups."	Viewpoint discrimination (<i>Reed v. Town of Gilbert</i> , <i>supra</i>)
25			
26	0:10:21–	Window closed, cutting	Cruel conditions (<i>Farmer v. Brennan</i> , <i>supra</i>)
27	0:10:28	airflow.	
28			

1	Timestamp	Incident Summary	Legal Relevance
2	0:13:12	Bueno/Frazier: Audit intent, no Retaliation (<i>Irizarry v. Yehia</i> , 38 F.4th 1282 (10th	
3	0:13:23	paperwork.	Cir. 2022))
4	0:15:43	Frazier: "Unauthorized videos."	Mischaracterization (<i>Fields v. City of Philadelphia</i> , <i>supra</i>)
5	0:24:55	Bueno cools himself with AC	Eighth Amendment (<i>Wilson v. Seiter</i> , 501 U.S.
6	0:32:36	hose.	294 (1991))
7	0:33:34	Plaintiff exits, sweating profusely, shirt soaked.	Visual proof of distress (<i>Youngberg v. Romeo</i> , <i>supra</i>)
8	0:34:45	Bueno: "Got a little sweaty back there."	Admission of conditions (<i>Farmer v. Brennan</i> , <i>supra</i>)
9	0:34:51	Plaintiff: "Trying to hot box me."	Eighth Amendment (<i>Hope v. Pelzer</i> , <i>supra</i>)
10	0:35:23	Plaintiff cites <i>Irizarry v. Yehia</i> . Legal awareness strengthens claim	
11	0:36:02	Plaintiff: "Nobody asked me to Negates obstruction (<i>Hiibel v. Sixth Judicial Dist.</i> identify."	<i>Ct.</i> , <i>supra</i>)
12	0:37:01	Bueno: "Get you all dried up..."	Acknowledgment of distress (<i>Estelle v. Gamble</i> , <i>supra</i>)

25 *Footnote*: All timestamps are included for completeness; **bolded entries** (0:33:34, 0:34:45) are
 26 pivotal visual and verbal admissions. See *Youngberg v. Romeo*, 457 U.S. 307 (1982) (conditions
 27 of confinement must not impose undue hardship).

1 2 3 **LEGAL CLAIMS SUPPORTED**

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- 5 1. **First Amendment Retaliation:** Arrest for recording (*Fordyce, Glik, Turner, Fields,*
6 *Irizarry*; NRS 171.1233)
- 7 2. **Fourth Amendment False Arrest:** No probable cause (*Manuel, Thompson, Hiibel*; NRS
8 200.460, 200.310)
- 9 3. **Eighth Amendment Cruel Conditions:** Heat exposure (*Hope, Farmer, Youngberg,*
10 *Estelle*; NRS 200.481, 200.471)
- 11 4. **Fourteenth Amendment Due Process:** Truck towed (*Mathews, Lugar v. Edmondson Oil*
12 *Co.*, 457 U.S. 922 (1982); NRS 205.2715, 205.220)
- 13 5. **State Torts:** False imprisonment, coercion, malicious prosecution (*Iqbal v. Ashcroft*, 556
14 U.S. 662 (2009); NRS 197.200, 207.190, 199.310)
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19 **QUALIFIED IMMUNITY ANALYSIS**

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21 Defendants' actions violate **clearly established law in the Ninth Circuit:**

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- 23 • **Recording:** *Fordyce* (1995), *Glik* (2011), *Turner* (2017), *Fields* (2017), *Irizarry* (2022)
- 24 • **False Arrest:** *Hiibel* (2004), *Manuel* (2017), *Thompson* (2022)
- 25 • **Conditions:** *Hope* (2002), *Farmer* (1994), *Estelle* (1976)
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1 Officers' statements (e.g., "no signs", "sweaty back there") show **knowledge of illegality**,
2 defeating qualified immunity (*Harlow v. Fitzgerald*, 457 U.S. 800 (1982)).
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6 **AUTHENTICATION**
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8 Under **Fed. R. Evid. 901, 1002**, and **28 U.S.C. § 1746**, I, **Drew J. Ribar**, declare under penalty
9 of perjury that this video from **Deputy Jason Bueno's body camera**, obtained via discovery
10 (*Case No. 22 CR 01231 IC*), **accurately depicts events on August 30, 2022**, at NNCC.
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14 **DATED:** March 27, 2025

15 /s/ **Drew J. Ribar**

16 Drew J. Ribar, Pro Se

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